

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK**

DERRICK PALMER, KENDIA
MESIDOR, BENITA ROUSE,
ALEXANDER ROUSE, BARBARA
CHANDLER, and LUIS
PELLOT-CHANDLER,

Plaintiffs

v.

AMAZON.COM, INC. and
AMAZON.COM SERVICES LLC,

Defendants.

DECLARATION OF BENITA ROUSE

I, Benita Rouse, hereby declare as follows:

1. I am a 53-year-old resident of the Bronx, NY, and I currently work for Amazon.com Services LLC (“Amazon”) at their JFK8 warehouse facility in Staten Island, New York (“JFK8”). I have worked for Amazon since on or around March 30, 2017. I started working at JFK8 in October 2018, when Amazon approved my application to transfer to the new JFK8 facility. Previously, I worked at Amazon’s EWR9 facility in Carteret, New Jersey.

2. Amazon operates JFK8 as an 855,000 square foot fulfillment center where products are received and sorted, and customer orders are picked (pulling the products ordered from the bins and machines where products are stored), packed (packing up

individual orders), and shipped out to Amazon's smaller, regional package sorting centers, delivery stations, and eventually Amazon customers.

3. I work as a Problem Solver in the inbound department in an area of JFK8 known as Damage Land. I currently earn \$20.05 per hour, but for the last couple of months I was getting an additional \$2 per hour in hazard pay. That ended for me on May 30, 2020.

4. Damage Land is where products that cannot be sold, or must be sold as damaged, are stored and/or destroyed.

5. In my position as a Problem Solver, I go through totes and boxes of damaged items and determine whether they are sellable, sellable with a discount, or need to be thrown out. This entails touching items that have been touched by other employees and sometimes handling liquids and chemicals.

6. My workstation consists of a cart with a laptop, scanner and printer attached. Other employees use this workstation before and after my shift.

7. During my shifts, I must regularly and closely interact with the other Problem Solvers on my team, as we coordinate our work in Damage Land. We all use the same totes and waste boxes to dump products and we share totes, U-Boats (a U-shaped cart where we put the totes), hand truck and pallets. Maintaining a 6-foot distance from my co-workers is nearly impossible.

8. From the end of March 2020 through the present, I have worked ten hour and forty-five-minute shifts at the JFK8 warehouse, two or three days a week.

9. My shift begins at 5:00 p.m. To get to work, I usually leave my house in the Bronx around 12:30 or 12:45 p.m. I take multiple forms of New York City public transportation to get to work. I take the 41 Select Bus to the 2 or 5 train to the Staten Island

Ferry. During the pandemic, the ferry runs once each hour so I have to make the 2:30 p.m. ferry to arrive on Staten Island by 3:00 p.m. Then I take the S40 Bus to the Amazon building, which is also running a reduced service during the pandemic. On each of these forms of transportation, I am surrounded by people, at least half of whom do not also work at JFK8 with me. The buses in particular are very crowded. When I get off the ferry on my way in to work, and at the end of my shifts when I am heading home, there are often big crowds of people who try to cram onto the S40 Bus. Sometimes there are more people than can fit onto a single bus and people have to wait for the next one to come. For example, this happened to me on my way to work on June 2, 2020.

10. I am afraid for my health and safety, the health and safety of my adult son who lives with me, as well as the health and safety of everyone who I am in contact with and the larger community because of the way Amazon is managing the warehouse in response to COVID-19. I am afraid of spreading the virus to my elderly mother who has high blood pressure, particularly because her (also elderly) sister just died after contracting COVID-19.

11. Amazon first notified me of an employee testing positive in JFK8 in a text message I received on the morning of March 30, 2020. Since then, I have regularly received text messages from Amazon notifying me of additional cases of JFK8 employees who have tested positive for COVID-19. But Amazon's text messages informing employees about new confirmed cases of COVID-19 do not include details about what department the COVID-positive employee worked. Sometimes the text messages don't even say how many more workers have tested positive and only say that there have been "additional

cases.” This worries me because I know the virus is spreading but Amazon isn’t giving me and my coworkers details about how bad it is.

12. As recently as May 30, 2020, I received a text message informing me that there were “additional confirmed cases of COVID-19 at JFK8” and Amazon promised they would “inform anyone who may have been in contact and advise of possible exposure.”

13. I am aware of at least 6 workers, in addition to the dozens of workers at JFK8 referenced in the text messages, who have been out sick with symptoms of COVID-19.

14. I have heard of at least 3 workers at the JFK8 warehouse that have died due to COVID-19.

Amazon’s Inadequate Response to the COVID-19 Pandemic

15. Despite the huge number of workers passing through the facility on a daily basis, Amazon took little in the way of precautions during the early days and weeks of the pandemic.

16. In or about mid-April, I had a brief and casual conversation in the cafeteria with a coworker who works in the Safety Department who told me and the four coworkers I was with that we should try to stay 6 feet apart from one another and wash our hands.

17. To date, I have not had any other conversations with my managers or other Amazon leadership about what I should do to keep myself safe while working in the facility.

18. Amazon posts weekly “InSTALLments” (posters) in the bathrooms with updates for employees. Several weeks ago, on or around the week of April 24, 2020, I saw an “InSTALLment” in the bathroom closest to my work station at the warehouse, that

recommended employees wash our hands for at least twenty seconds. That poster was replaced the next week with other information not related to COVID-19.

19. Before the pandemic I regularly visited my elderly mother, who lives in Manhattan. She has arthritis and high blood pressure. I usually helped her with food shopping and other errands. After I began receiving daily text messages notifying me that there were additional confirmed cases of JFK8 employees who tested positive for COVID-19, we decided it was not worth the risk of exposing her.

20. Amazon provides twenty hours of Unpaid Time Off (“UPT”) at the beginning of each quarter which is unpaid time that employees can use in hour-long increments to take off parts of shifts or full shifts. Amazon also uses UPT to punish employees for infractions, for example, if we are five minutes late at the beginning of our shift they deduct 1 hour of our UPT. I also know, because of an email a I received from JFK8 management on May 29, 2020, that seasonal workers at the facility do not get UPT. From this same email I learned that Amazon uses a points system to penalize seasonal workers for absences, tardiness, and delays in getting back to work after lunch breaks.

21. At the beginning of the pandemic, Amazon began providing unlimited Unpaid Time off (“UPT”) for the month of March. I used some unlimited UPT to take additional time off during March and April because I was fearful of contracting COVID-19 at work.

22. I knew that I had to work at least two days a week in order to earn enough to buy groceries for myself and my son.

23. Amazon ended the unlimited UPT policy on May 1, 2020.

Amazon’s Failure to Alert Workers That They Have Been Exposed to COVID-19 and Unclear Quarantine Policy

24. I believe Amazon has failed to alert workers who may have been exposed to COVID-19 at JFK8.

25. It is my understanding that workers who are known to have been exposed to someone with COVID-19 should be quarantined (i.e. put under “mandatory quarantine”), and that Amazon also should have a clear system for tracking who has been exposed to someone who needs to be quarantined so they can be alerted and themselves be quarantined if necessary (“contact tracing”). Amazon’s policies on mandatory quarantine and contact tracing are not clear and I believe they put me and my coworkers at risk.

26. The quarantine policy that I am aware of was posted in an inSTALLment during the week of March 20, 2020:

New Time Off with Pay for COVID-19 Quarantine or Diagnosis

Our focus continues to remain on your health and safety. If you are diagnosed with COVID-19, or placed into quarantine, you will receive up to two weeks of pay to ensure that you have the time you need to focus on your health without the worry of lost pay.

Here are the three steps to take to get support:

- Stay home and do not come to work.
- Report all absences via A to Z if available, or contact your manager or HR.
- Call Disability Leave Services

Thank you for supporting one another and for taking care of yourselves and others.

27. In March 2020, before any employees started wearing masks, I learned that one of my coworker’s wife and children were sick with COVID, but that he had to come in to work because he was waiting to get quarantine approved by Amazon. He came in to work and ate lunch with us in the cafeteria, before the company instituted any social

distancing measures. Eventually, Amazon authorized his quarantine leave because his wife tested positive.

28. From around November 2019 and since the beginning of the coronavirus outbreak until May 7, 2020, I regularly worked with two other employees, Coworker R and Coworker S, in Damage Land.

29. In the course of our work, the three of us regularly came into close proximity of one another, especially when we had to dump out liquids in shared boxes and totes.

30. On May 11, 2020, Coworker S sent me a text message informing me that he tested positive for COVID-19.

31. That same day, Coworker R told me that Coworker S had been experiencing symptoms at work the week of May 7. Coworker R told me that Coworker S was not feeling well and was having breathing problems when he went upstairs to another floor to pick up a pallet.

32. Amazon did not inform me that Coworker S had tested positive for coronavirus.

33. Since I had been in such close proximity with Coworker S, and because he tested positive, I believed I should be on quarantine so as not to potentially spread the virus to other coworkers at work, to my family at home, or to the broader community through my commute to work. But it was my understanding that I could not use quarantine leave without clear approval from Amazon.

34. If this had happened in April, I could and would have taken some of the unlimited UPT, but by the time Coworker S tested positive there was no longer unlimited UPT available.

35. On May 12, 2020, I went with Coworker R to the JFK8 facility to speak to the Human Resources (“HR”) department about whether we should quarantine. Since the COVID-19 pandemic began, HR personnel have been scattered throughout the building. We went to the HR office and a junior HR employee took us upstairs to the third floor to speak to a more senior HR employee, Heather.

36. When we met with Heather, we informed her that Coworker S had tested positive for COVID-19 and that we had worked with him on a daily basis the previous week. Heather claimed that Amazon had not been notified about Coworker S testing positive and she instructed me and Coworker R to go straight home. Heather told us “someone who gets paid more [than me] will call you.” I never received a follow-up call or any other notification.

37. On the morning of May 13, 2020, Amazon still had not provided clear information about whether I was permitted or instructed to quarantine since I had been in close contact with my coworker who tested positive for COVID-19, or whether I was expected to show up to work.

38. That day Coworker R also told me that Coworker S had informed Amazon he tested positive. Coworker R also told me that Coworker S’s wife, who also works at the JFK8 facility in the Pick Department, also had coronavirus and was taking time off of work.

39. I tried calling each of the three phone numbers I had for HR repeatedly, but did not reach anyone and only got a recording.

40. I then called the main building number and reached a security guard at the front desk of the facility and told them I was waiting for instruction about whether to come

to work or quarantine. I informed security that no one from HR had followed up with me since our meeting the day before. He told me he would give the message to Heather in HR.

41. Looking for guidance, I used Amazon's Chime messaging system to message my former Coworker ["AL"] who now works the day shift in Hazmat (an area in the facility where liquid waste is disposed of) to see if he could help me get information from management about whether Coworker R and I were supposed to come in to work that day. Chime is an internal employee messaging system that I can access on my computer or my phone.

42. AL works on the day shift, was at the facility, and works near the main office, so I thought he might be able to help me get information from management.

43. At 8:56 a.m. on May 13, 2020, I informed AL on Chime that, "[Coworker R] and I were sent home [on May 12, 2020] due to [Coworker S] having the virus. We are waiting to find out if we are in quarantine. H.R. Heather sent us home but now we have to wait to hear from some one higher up."

44. At 8:58 a.m. AL instructed me, "don't let anyone else know. Ill [sic] talk with HR to how to approach further."

45. At 9:00 a.m. AL messaged me, "for now lets [sic] see what Sr HR dsays [sic]."

46. I called HR repeatedly all morning, and was only able to get to a recording, but I did not hear anything from HR or any other representative from Amazon.

47. Around noon, I was getting worried about what to do because I usually leave my house around 12:30 p.m. to get to work.

48. At 12:03 p.m. I chimed AL again to inform him that I had tried to contact HR again but was unable to reach them. I told him that I left my number for Heather to get back to me but that she had not bothered to call. I told him that “[n]o one has called to let us know if we should stay home or not. And [Coworker R] is getting ready to head to work because they have not told us anything. We notified H.R. about our co-worker. Amazon did not notify us at all.”

49. I continued to message AL for help, saying “[i]t will take me 3 hours to get there. That is why [Coworker R] is leaving now, is there any way you could do a reach out for me? I fail to understand the carelessness in this issue. We have been around a sick individual and no one is taking care of this matter.” And then, “[y]es, [Coworker R] is heading to work today because no one has told us to stay home, so the person who has the most direct contact with [Coworker S] is heading in to work. . . . no directive was given to us except we would be notified last night or this morning.”

50. At 12:17 p.m. AL responded, “i [sic] spoke with my manager and she said that you should contact someone else from HR if you cant [sic] reach Heather. Did they give you the JFK8 HR email? . . . jfk8-askhr@amazon.com . . . if that dont [sic] work, chime nela . . . ill [sic] give you her chime . . . deakovan.”

51. The day before, I already tried to send an email to jfk8-askhr@amazon.com with Coworker R using a computer at JFK8, but it didn’t work.

52. At 12:24 p.m. I sent a Chime message to AL’s manager Nela Deakova. I informed her, “Hi my name is Benita (rbenita) and I work in damage land FHN we currently have a co-worker with the virus. He notified Amazon on Monday and no one told us. So We [sic] (me and [Coworker R]) spoke to S.R. H.R. Heather and she sent us both

home. We were told we would be notified if we were to go into quarantine or not. Heather said we would be notified last night or this morning. No one has notified us. I even left my phone # with security and he said he would give it to [H]eather. still nothing. My co-worker [Coworker R] is now heading to work at Amazon because we were not told what we should do concerning this matter. Could you please help us? . . . [AL] gave me your chime. I have called every h.r. # and i have tried to use the [chatbot] and the e-mail which is not working. So I am sorry to bother you but I am desperate.”

53. At 12:26 p.m. Deakova responded to me instructing me to “pls be patient and we will get back to you, contact tracing takes some time.”

54. I thought that Deakova’s response indicated that Amazon was doing contact tracing related to Coworker S’s positive COVID-19 results, so I asked Deakova, “o.k. so does that mean we should just stay home?”

55. At 12:30 p.m. Deakova responded, “can you pls give me a second . . . i was trying to get the answer for you . . . you can return to work.”

56. Later, at 2:53 p.m. Deakova messaged me, “can u pls tell [Coworker R] he can return [to work].” Neither Deakova nor anyone else from Amazon asked me whether I was experiencing any symptoms of COVID-19 during these text message exchanges.

57. Even though Deakova said that I should return to work, I still did not feel safe going in to the facility because of my close contact with Coworker S and because I was upset that I never actually spoke to HR. I decided to use my PTO for that day’s shift which brought my remaining PTO balance to 44 minutes.

58. I used unpaid time for my next shift on May 17, 2020 and returned to work on Monday, May 18, 2020. I worked again that week on May 20, 2020. No one from

Amazon ever followed up with me about my health during any of the days I was at the facility after I informed them of my exposure to Coworker S.

59. I have felt worried about continuing to work at JFK8 because of potential exposure to COVID-19. Since the unlimited UPT policy ended at the end of April 2020, I have used paid time off (“PTO”), vacation time, and Voluntary Time Off (“VTO”) to take some days off. VTO is unpaid time off that Amazon offers to employees at random times and at their discretion based on the company’s demand for workers. But I am lead on my team and I feel bad using VTO and leaving Coworker R to cover our work alone, because Amazon is not replacing everyone that uses VTO.

60. I have also almost run out of my PTO. As of June 2, 2020, I only have 44 minutes of PTO left for the rest of the calendar year.

61. As of June 2, 2020, I only have a little over one hour of vacation time left.

62. As of June 2, 2020, I only have one hour of UPT left. I will not accrue any more UPT until the next quarter, on July 1, 2020, when I will get another 20 hours.

63. No one from Amazon ever followed up about my exposure to Coworker S or explained any health precautions I should take because of having been exposed to COVID-19 at the workplace (like checking my temperature while at home or staying away from other people). No one from Amazon ever communicated to me that I should consult with a doctor or other health professional about my exposure to Coworker S. I was never asked by anyone at HR if I had any symptoms before being told I could return to work, and to this date, I have not heard back from anyone in HR or management at Amazon about Coworker S’s case or my potential exposure.

64. Amazon has been incentivizing employees to come in with additional hazard pay of \$2 extra per hour throughout April and May 2020. The hazard pay ended for me on May 30, 2020.

65. I have received texts from Amazon about Voluntary Extra Time (“VET”) offering additional shifts with premium pay at double our normal rate. From around the middle of March through May 30, 2020, Amazon paid employees double for VET shifts and for all hours beyond 40 in a week.

66. On May 31, 2020, Amazon reverted to paying the legally mandated 1.5 times our normal wage rate for Voluntary Extra Time, but only if it pushes our weekly hours beyond 40.

Cleaning workplaces

67. To my knowledge, Amazon did not make any significant changes to its sanitation procedures in March 2020, despite the increasing number of cases in New York City and at the JFK8 facility.

68. The JFK8 facility operates 24 hours a day, 7 days a week, and there is no downtime in the facility for substantial cleaning of the facility between shifts. Over the last two months, I believe that Amazon has gradually increased its cleaning of the warehouse, but it remains insufficient because to my knowledge they are not thoroughly cleaning all of our work stations or high touch areas in between shifts. I do not believe Amazon did any extra cleaning of our work area in Damage Land after Coworker S tested positive for COVID-19.

69. In Damage Land we have shelves with cleaning supplies that were damaged or have broken packaging so cannot be sold. We also have a consistent supply of gloves because we regularly handle hazardous chemicals from the broken packages.

70. Throughout the months of March and most of April 2020, workers from other departments would frequently come into Damage Land to try to find cleaning supplies and gloves because the company did not provide an adequate supply in their departments.

71. I have seen some InSTALLment notices recommending that employees clean their own work stations. An inSTALLment posted during the week of April 30, 2020 said, "Sanitation stations, equipped with disinfectant spray and industrial grade tissues have been deployed across the building as a method to sanitize your work stations at the start and end of your shift." I clean my station before I start to work, but I am fortunate because my expected work rate as a Problem Solver in Damage Land, four pallets per shift, is not as fast as that of other JFK8 workers in the pick and count departments.

72. I bring my own hand sanitizer to work because I believe Amazon was watering down the hand sanitizer they were providing in the facility when they did not have an adequate supply.

73. An inSTALLment during the week of May 8, 2020, said:

We are excited to announce that JFK8 is spraying the entire FC [Fulfillment Center] on [sic] daily basis. That is, JFK8 is fumigating all floors, work stations, break areas in this massive 840k sqft building -this is equivalent to 15 football fields on first floor alone. Thanks for all the support from associate safety committee in constantly evolving the processes within the site. Please do not enter any area during disinfectant spraying until it has been released from our vendor as it poses a slip hazard until dry.

74. On or around the week of May 8, 2020, I saw a group of people going to the outbound department wearing hazmat suits while I was on my way out of work, but that was the only time I have seen anyone who might be fumigating the facility.

75. To my knowledge, Amazon still does not routinely clean employee workstations, including my own, which are used by multiple workers over the course of each day.

Amazon's Rate Requirements

76. For each shift, I am expected to completely go through and process four pallets worth of totes and boxes of damaged items to determine whether they are sellable, sellable with a discount, or need to be thrown out.

77. I am usually able to meet this expected work rate, but in order to meet it I limit the times I go to the bathroom during my shift to the beginning, lunch, breaks and after I clock out. I also sometimes work through my paid break periods to make sure that I am able to get everything done. I have been reluctant to go to the bathroom more frequently to wash my hands because I want to make sure I have time to complete my work during my shift.

78. Amazon has not provided additional breaks for us to wash our hands or notified me of changes to their work rate expectations to allow for additional bathroom breaks or additional time to clean.

Retaliation and Intimidation

79. Now that I am running out of PTO, UPT, and vacation time, I am afraid of being fired for staying home to prevent community spread even though I believe I was exposed to COVID-19 at work.

80. I believe that many workers are afraid of being fired for staying home, which leads them to come to work even when they feel ill or believe they have been exposed to sick people. Many workers are too worried about losing their jobs to raise concerns about Amazon's policies or practices.

81. For example, Amazon regularly disciplines workers who speak out. I know of at least three workers from JFK8 who were disciplined after they began speaking up about the problems with Amazon's response to the coronavirus pandemic and their concern for their health and safety and that of our coworkers.

82. Many workers, including myself, are fearful of losing our jobs, especially during this pandemic when businesses are closed and unemployment is at record high levels.

83. I depend on my income from my job at Amazon to provide for myself and my son.

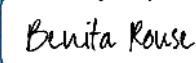
84. I fear what will happen to me if Amazon finds out I am participating in this suit. I cannot afford to lose my job.

85. However, I am more fearful of the risks Amazon is creating for me and my co-workers, friends, and neighbors in New York City. I fear the risk of getting sick from COVID-19 at the warehouse due to the close contacts I am forced to have with other workers and I fear infecting others, including my son who lives with me. I fear that my work is making our home unsafe.

86. Thus, despite my fears of Amazon's reaction, I chose to be a Plaintiff in this case to protect myself and my community.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Bronx, NY.

DocuSigned by:

Benita Rouse
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Dated
6/2/2020